



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 573-99  
12 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 1 March 1988 at age 21. Your record reflects that you served without incident until 10 January 1992, when you were convicted by a special court-martial of stealing a wallet and a stereo, assault, and communicating a threat to injure another person. Although you were sentenced to a bad conduct discharge, it was suspended for one year. On 17 April 1992 you were separated under honorable conditions and transferred to the Marine Corps Reserve. On 9 February 1996 you were honorably discharged from the Marine Corps Reserve.

Characterization of service is determined by conduct and proficiency averages, which are computed from marks assigned during periodic evaluations. Through 31 July 1991, your conduct and proficiency averages were both 4.4. There are no subsequent marks in the record. However, a semi-annual mark should have been assigned on 31 January 1992, and upon your court-martial conviction and separation. Conduct and proficiency averages of 4.0 and 3.0, respectively, were required for a fully honorable

characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board included that these factors were not sufficient to warrant recharacterization of your separation since you were convicted by a special court-martial of very serious charges. In this regard, the Board exercised a presumption of regularity and assumed that marks would have been assigned after 31 July 1991 and that the average of all marks assigned would have been below the averages required for an honorable characterization of service. The Board further assumed that you were erroneously discharged on 9 February 1996 with a fully honorable discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director